

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA**

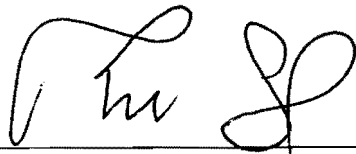
Rose Mary Henry,)	
)	
Plaintiff,)	Civil Action No. 5:14-432-RMG
)	
vs.)	
)	
Carolyn W. Colvin, Commissioner of)	ORDER
Social Security,)	
)	
Defendant.)	
)	
_____)	

This matter comes before the Court for judicial review of the final decision of the Commissioner of Social Security denying Plaintiff's application for Disability Insurance Benefits ("DIB"). In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to the United States Magistrate Judge for pretrial handling. The Magistrate Judge issued a Report and Recommendation ("R & R") on April 16, 2015 recommending that the decision of the Commissioner be reversed and remanded to the agency. (Dkt. No. 28). The Magistrate Judge's recommendation is based on the Administrative Law Judge's ("ALJ") assessment of the opinions of Plaintiff's treating physician, Dr. William O'Quinn. The ALJ gave "little weight" to the treating physician's opinions. The Magistrate Judge found that the ALJ failed to evaluate Dr. O'Quinn's opinions in accord with the standards set forth in the Treating Physician Rule, 20 C.F.R. §404.1527, and inaccurately and unfairly quoted Dr. O'Quinn's medical record. (Dkt. No. 28 at 17-19). The Magistrate Judge also concluded that the Commissioner erred in failing to have a fact finder weigh and reconcile the new and material evidence submitted for the first time

to the Appeals Council, as required by *Meyer v. Astrue*, 662 F. 3d 700, 706-07 (4th Cir. 2011). The Commissioner has filed a reply to the R & R indicating that she does not intend to file any objections to the recommendations of the Magistrate Judge. (Dkt. No. 31).

The Court has reviewed the R & R and the record evidence and finds that the Magistrate Judge has ably addressed the factual and legal issues in this matter. Therefore, the Court **ADOPTS** the Report and Recommendation as the order of this Court, **REVERSES** the decision of the Commissioner pursuant to Sentence Four of 42 U.S.C. § 405(g), and **REMANDS** the matter to the Commissioner for further proceedings consistent with this order.

AND IT IS SO ORDERED.



Richard Mark Gergel
United States District Judge

Charleston, South Carolina
April 27, 2015